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OFFICE OF PETITIONS

In re Application of
Retsch et al.
Application No. 10/737283
Filing or 371(c) Date: 12/16/2003
Attorney Docket Number:
1902A1

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 5, 2007, to revive the above-identified application. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

Background

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed May 2, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claims were allowed, the application became abandoned on May 2, 2006. See MPEP 1215.04.

The present petition

Applicant files the present petition and Appeal Brief. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a proper Appeal Brief; (2) the petition fee; and (3) the required statement of unintentional delay have been filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed. The Appeal is reinstated. Accord MPEP 1215.04.

The application is being referred to Technology Center Art Unit 1711 for processing of the Appeal Brief.

Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.



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